REMARKS

Claims 1-5, 8-10, 12-13, and 21-32 remain pending in the application including independent claims 1, 9, and 23. Non-elected method claims 14-20 have been cancelled. Claims 6-7 and 11 have also been cancelled.

For the first time, under a final rejection, the examiner has issued a restriction requiring election between claims 1-5, 8, 21, and 22 (Group 1) and claims 9, 10, 12, 13, and 23-32 (Group 2). The examiner argues that in response to the previous election requirement, applicant elected to prosecute the air induction component and its laser weld joint, and that the Group 1 claims are directed to a component interface to form the laser weld joint instead of being directed to the laser weld joint as previously claimed. Thus, the examiner is arguing that the Group 1 claims are now directed to an invention that is different than that which was originally elected. Applicant strenuously objects to the issuance of this restriction requirement.

Applicant only amended the preamble to the Group 1 claims in response to the examiner's 35 U.S.C. 112, second paragraph, rejection. The preamble had previously recited "A laser weld joint" and the examiner had no objection to considering all of these claims together as a single invention, i.e. the claims directed to "a laser weld joint" and "an air induction component assembly" were previously considered together and were identified as belonging to class 403, subclass 270. See the Office Action of December 2, 2005, which states that the elected Group 1 comprises "Claims 1-13, drawn to an air induction component assembly and its laser weld joint, classified in class 403, 270."

Now the examiner argues that simply because the preamble was amended to recite the component interface for the weld joint, these claims are considered to be a separate invention and can no longer be considered as part of the originally elected invention. As such, the examiner has withdrawn these claims, i.e. the Group 1 claims, arguing that applicant constructively elected the Group 2 claims. However, the Group 1 claims identified in the present office action are indicated as being classified in class 403, subclass 270. This is the same class and subclass the examiner identified as being associated with the originally elected apparatus invention. How then is this a *different* classification that would require Group 1 to be withdrawn? This is the

same classification that was proceeded with in response to the original restriction requirement between method and apparatus.

To facilitate matters, in the present response, applicant has amended the preamble to further recite that the component interface is for an air induction component assembly. These claims in Group 1 were previously indicated as allowable and had been searched and examined under the originally elected class and subclass. As such, applicant respectfully requests that the restriction requirement be withdrawn. Further, claim 2 specifically recites that the components comprise air induction components. As such, applicant asserts that the claims in Group 1 and Group 2 should be considered together.

However, as the examiner has proceeded with a constructive election of Group 2, applicant elects Group 2 **with traverse**. Further, the examiner has stated that because "these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search . . . restriction for examination purposes as indicated is proper." Again, applicant would like to point out that the withdrawn Group 1 claims are identified as being classified in the same classification as the originally elected invention. Group 2, which the examiner has "elected" for the applicant, is identified as being classified in class 123, subclass 184.61. This Group 2 classification was not even part of the original restriction requirement and is identified for the first time in the present final Office Action. As such, applicant fails to see how examining Group 1 puts a burden on the examiner because these claims are identified in a classification that was originally elected. It would seem that election of Group 2 would put a burden on the examiner as this is a newly identified classification.

However, even though the examiner has identified a new classification, the examiner continues to reject the claims based on the previously cited prior art. This prior art was part of the search for the originally elected claims, which were identified as being part of class 403, subclass 207. Thus, the prior art which is presently used to reject the claims in constructively elected Group 2 (class 123, subclass 184.61), must also be part of this new classification. As such, applicant respectfully requests that Groups 1 and 2 be examined together as they were previously. Further, if the examiner refuses to enter this amendment, applicant still traverses the

issuance of a restriction requirement as set forth in the present office action. If the examiner is willing to enter such an amendment but objects to the wording in the preamble, applicant invites the examiner to call applicant's representative such that an agreement can be reached with regard to the language of the preamble of the Group 1 claims.

The specification stands objected to for failing to provide proper antecedent basis for the claimed subject matter set forth in claim 31. Applicant disagrees. Proper antecedent basis is found in paragraph [24]. No correction to the specification is necessary. Please note that, as described in paragraph [24], the transition surface 44 connects the first laser weld surface 28 to the taper locking surface. This is clearly shown in Figure 2A. Element 45, which is identified as a flat section, is merely part of this transition surface 44.

Claim 23 has been amended in response to the examiner's objections. Claim 23-30 are indicated as allowable and thus should now be in condition for allowance.

Claims 31 and 32 stand rejected under 35 U.S.C. 112, first and second paragraphs. For the reasons set forth above with regard to the examiner's objections to the specification, applicant respectfully asserts that this rejection is improper and requests that the rejection be withdrawn.

Claims 9, 10, 12, and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP 2001-105500 (JP '500). The examiner argues that claim 9 is anticipated by JP '500 as explained in the marked-up figure set forth on page 13 of the present office action. Based on applicant's prior response requesting clarification of the examiner's rejection, the examiner has made corrections to the marked-up figures in an attempt to provide a more detailed explanation. However, applicant still is not clear on the examiner's position with regard to this new rejection.

The examiner now argues that Nakamura discloses a first weld surface 11b2 and a first taper locking surface A2 that is opposite from the first weld surface 11b2. However, when viewing the marked up Figures, these surfaces do not appear to be opposite from each other. Similarly, the examiner's second laser weld surface A3 and second taper locking surface A4 do not appear to be opposite from each other as defined in claim 9. Thus, applicant respectfully asserts that Nakamura does not disclose all of the claimed features. As such, claims 9, 10, 12, 13, and 31-32 are allowable over the recited reference.

Applicant believes that no additional fees are due; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on November 14 2007.

Laura Combs